

## Chapter VIII

### Plan Maintenance and Implementation

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This Comprehensive Plan is a broad policy guide which can help the community improve and develop. It should be viewed as a framework within which a range of specific topics are debated and discussed. It must be both dynamic and flexible to accommodate the ever changing needs of the community, yet steady enough to allow for reasonable long term capital investment strategies by both the public and private sectors.

Planning is a process more than it is a product. The plan provides the framework within which decisions are made on a day to day basis. Those decisions include the traditional "planning" such as zoning and subdivision control, but also include decisions by the private sector about investment of private capital in the growth and development of the community. A key function of the plan is to provide some predictability about the potential uses of land so that the private sector can make informed investment decisions in the area of real estate and capital investments.

This plan provides one element of the community's growth management system. Other elements of growth management include private market supply and demand for land, land use regulations, public capital investment and private capital investment. These elements, working in combination, result in the growth, stability or decline of the community. To be successful, a community's decision making should be balanced and include consideration of each of these elements.

#### A. Implementation Strategies

##### 1. Land Use Regulations.

Traditionally zoning and subdivision regulations have played an important role in the implementation of the Comprehensive Plan. This role will continue in the future.

- a. **Zoning.** Zoning regulations govern the use of land and establish the parameters of size and intensity of improvements upon the land. The laws of Nebraska require that zoning regulations be in accordance with the comprehensive plan and be designed to accommodate anticipated long range future growth.

In determining the specific zoning districts and use or special permits for individual parcels of land, the City of Lincoln and Lancaster County will utilize statutory criteria as set forth in Nebraska Revised Statutes Section 15-902 and 23-174. Additional criteria may be included as follows: (Amendment 9416)

**\*Infrastructure:** the availability and capacity of the water, sewer, drainage and the transportation systems.

**\*Compatibility:** harmony and suitability with the surrounding land uses and the natural environment and impact/mitigation on adjacent land uses such as buffering. (Amendment 9416)

**\*Health and Safety:** protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

**\*Physiographic Features:** the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

**\*Accessibility:** availability, or lack thereof, of public transportation, arterial connections, public education and pedestrian linkages. (Amendment 9416)

**\*Open Space:** availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

**\*Fiscal Impacts:** whether the proposed use does not create a burden to local tax revenues and/or available resources.

**\*Public Safety:** availability and access to law enforcement and fire departments. (Amendment 9416)

- b. **Rezoning and Comprehensive Plan Amendments.** The city and county future land use plans are specific maps. In some situations, applications will be made for land use changes that are not in conformance with those maps. In each case, the Planning Department will complete an advisory review of Comprehensive Plan compliance for the Planning Commission and the City Council or County Board. This assessment will follow these guidelines:

- ! If an application is generally consistent with the land use map and the zoning criteria, it will be considered to be consistent with the comprehensive plan.
- ! If an application is not consistent with the land use maps but meets the zoning criteria, the proposal will be found to be inconsistent with the land use plan but compliant with the general concepts of the comprehensive plan. An amendment to the land use plan may be approved along with the rezoning proposal. The land use plan can then be updated on an annual basis to remain current. (Amendment 9416)
- ! If an application is inconsistent with both the land use plan and zoning criteria, it will be considered to be inconsistent with the comprehensive plan. Approval of the project will require an amendment to the comprehensive plan.

- c. **Subdivision.** Subdivision regulations govern the division of a parcel of land into more than one parcel. Subdivision approval is required for any land division in which the smallest parcel of land created is ten acres, or less.

- d. **Design Standards.** Design standards are supplements to both zoning and subdivision regulations and govern technical, aesthetic and functional characteristics of the land use regulations.

A comprehensive review of the zoning ordinance, subdivision regulations and design standards of the city and county should be initiated following adoption of this plan. Such a review should include consideration of a unified development code (or in the alternative if prohibited by State law, an identically compatible zoning and subdivision code), with the primary objective being simplification of the development review process. Consideration should also be given to developing a consolidated development code for the city and the county. Finally, increased use of contract zoning should be considered as one possible means to promote quality development within the community.

- e. **Processing Procedures.** Develop a booklet of processing procedures for the general public. (Amendment 9416)

## 2. **Capital Improvements**

- a. **Public Improvements.** Public capital investments are a powerful influence in the growth and development of the community. An urbanizing area needs roads, water, sewer, parks,

libraries, schools and other physical improvements which have traditionally been developed using public general or enterprise funds.

The public capital improvement planning process--which includes the City and County capital improvement programs, and the City-County Transportation Improvement Program--must be consistent with, and an extension of, the comprehensive planning process. The Comprehensive Plan should provide the general guidance for the overall capital improvement needs of the community. The individual capital improvement plan should provide the specific details of when, how much and from what source the capital improvements will be made. The comprehensive plan therefore should establish the universe within which the individual improvements are developed.

The development of the community and in particular the capital improvement needs of the community are fiscally constrained: there will always be more needs and desires for improvements than there are resources available to meet the needs and desires. Expectations for improving capital facilities by the community should be tempered by an understanding of this fiscal constraint.

- b. **Private Construction of Public Improvements.** Private capital provides the majority of improvements within the growth areas of the city. Private capital traditionally builds the local roads, water and sewer services and the homes, offices and retail establishments. The private sector, in the end, also pays for the public capital improvements through taxes and user fees.

Decisions made in the private sector play an important role in the growth management system of the community. None of the public planning and expenditure of public capital will cause development to occur if the private sector capital is not invested in the process.

### 3. Public Policy Considerations

- a. **Annexation. 1.)** The following policies will provide guidance regarding annexations by the City of Lincoln: (Amendment 9416)
  - ! The boundaries for providing municipal services should generally coincide with the jurisdictional boundaries of the community.
  - ! The extension of water or sewer service shall be predicated upon an annexation, which shall occur before the land is provided with water or sewer service.
  - ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed. (Amendment 9405)
  - ! Annexation generally implies the opportunity to access all City services (i.e. police, fire). Voluntary annexation agreements may limit or outline the phasing, timing or development of utility services (i.e., water, sewer) and may include specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.
  - ! A Comprehensive Plan amendment, including an amendment of the phasing plan, may be subject to a voluntary annexation agreement which will limit or outline the phasing, timing of development of infrastructure including specific or general plans for the financing of improvements to the infrastructure and the land uses of the area.
  - ! Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above. (Amendment 9430)

- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county.

**2. Villages and towns in Lancaster County will develop their own statutes and procedures by annexation.** (Amendment 9416)

- b. Market Considerations.** The comprehensive plan recognizes the ever changing market for goods and services and the need to remain poised to meet those changes. Major new technologies, new development opportunities or new needs of the community may arise during the planning period which were not foreseen during the development of this comprehensive plan. The planning process must accommodate change but without harm to the health and well being of the community.

Consideration of the marketplace, including the review of relevant information such as market studies of supply, demand and vacancy rates, should be encouraged as part of the land use permitting process. Such information may enlighten the community on the benefits and costs of any particular land use proposal. An impact study should be required as part of any request for a change of zone or use permit application for a large scale commercial development on more than twenty-five acres or containing more than 250,000 gross square feet. Similarly, an impact study should be implemented when a large scale development involving retail or service retail is proposed on more than twenty acres or containing more than 200,000 gross square feet or when a large scale development involving office or service office is proposed on fifteen acres or containing more than 150,000 gross square feet.

An impact study should not be required when a "primary employer" will be the sole or "primary occupant" of the proposed development. A primary employer is defined as a firm (or operating related or subsidiary firms) who is involved in the conduct of research, development or testing for scientific, agricultural, animal husbandry, food product or industrial purposes; performance of data processing, telecommunications or insurance services, administrative management or headquarters functions or performance of financial services licensed by the State of Nebraska. Primary occupancy is defined as the primary employer occupying 75% or more of the development from inception to full buildout; provided that the remaining 25% or less space is proposed to be located on less than ten acres and contains less than 100,000 gross square feet.

An impact study should be one of the pieces of information the community utilizes in reviewing and approving a proposed commercial development. Key information that should be incorporated in an impact study includes:

- possible impact on existing and viable commercial developments;
- possible impacts on existing and proposed public and private capital investments and infrastructure, of city and county; (Amendment 9416)
- ability to expand the community's regional markets and trade areas; and
- ability to reduce commercial leakage and exportation of dollars to other communities.

- c. Diversity and Unity.** The diversity of the community by age, race, culture, religion, gender, special need or income level will continue to increase in the future. This diversity must be respected and planned for if the high standard of living within the community is to be maintained. Opportunities for choice should be encouraged and promoted within the context of the whole community to provide a choice of lifestyle, employment, housing, transportation, and shopping for all groups of every income and ability. (Amendment 9416)

In housing, a place should be found for the country estate and the city efficiency apartment, for the small private single family home and the large apartment suite, for the most affordable and the most expensive dwelling unit, for completely independent living and for

living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community.

In business and commerce, the community should provide sites for the smallest start-up company and for the largest multi-national corporation; for high amenity, low impact industrial activities and for uses which do not make good neighbors to residential districts; for new construction and for redevelopment and for the changing nature of the agricultural community. If we are to encourage the creation of good jobs at a living wage, the provision of the broadest array of options for business and commerce, within the context of a healthy community, is the best means of accomplishing this goal. (Amendment 9416)

At the same time, the community will remain one, whole community. The city planning lessons learned in other parts of the country, where fragmented governmental jurisdictions with separate taxing power have segregated communities of people by race, income and ethnicity, have been largely avoided in Lincoln and Lancaster County. Keeping the community whole, as one common and diverse entity, is perhaps the single most important policy of this plan.

#### **4. Cooperation, Management and Joint Development**

Many of the objectives of the comprehensive plan cannot be achieved unless the actions of two or more public agencies or private organizations can be closely coordinated. A variety of institutional, legal, financial, and other constraints frequently prevent organizations from working with each other, restrict the joint use of facilities or land, and inhibit or prevent the pooling of financial or other resources in joint ventures.

Every effort should be made to eliminate or reduce constraints to coordinated joint action. Where appropriate, the provisions of the Interlocal Cooperation Act should be used to permit earmarked or designated funds of agencies to be pooled in joint development or joint action projects or programs. Similarly, legal authority should be provided to broaden the possibility of public/private cooperation in the achievement of plan objectives.

Open communication, coordination, and cooperation should be aggressively pursued by all jurisdictions which might affect each other.

#### **5. Education, Participation, and Leadership**

Broad public support and involvement is required as a prerequisite to the development and use of virtually any implementation policy or program. If adequate support is to be developed, a vigorous and continuing program of discussion, education, and participation must be carried on. Moreover, people who are in a position to understand the needs of the community and ways of meeting those needs must take the initiative to stimulate the interest and the understanding that must be involved to assure that support and action are developed.

The efforts in Lincoln and Lancaster County of providing public participation in the planning process should be continued. Considerable discussion and debate have been required to establish goals and policies; much more understanding and agreement will be required to achieve implementation. Community groups or individuals should be encouraged to study issues and establish comments to update the plan. (Amendment 9416)

To produce the levels of consensus required, vigorous and continuing public involvement will be required in such areas as:

- detailing of plans and proposals to clarify their impact on specific areas, groups, and individuals;

- development of specific implementation activities and organizational arrangements; and
- the continued monitoring and interpretation of the plan.

## **B. Financing the Plan**

Historically, capital improvements have been financed by General Revenues, special assessments, user fees, revenue bonds, grants from the Federal and State Governments and General Obligation debt. Capital projects can be broadly defined as new projects to meet additional needs of the community and maintenance/repair of the built infrastructure. It is imperative that maintenance of capital improvements occur to protect the City's and County's investment and minimize future maintenance and replacement costs. In order to meet the goals of financing new improvements and maintaining the built environment, the following policies are identified:

- Use all available funding sources to finance capital improvement projects consistent with City and County priorities. Given the magnitude of the capital improvements identified in this plan, it is imperative that revenue sources which come to the City and/or County earmarked for capital projects (i.e. street construction) should be directed to the identified purpose, rather than to related administrative or maintenance functions. The diversion of these revenue sources from construction projects in the past has contributed to the perceived shortage of funds with which to construct needed improvements.
- Seek out grants, donations and user fee based funding sources for capital improvements when possible, first assuring that the projects meet an initial test of a legal use of these funding methodologies. Second, the projects must be required to achieve City and County goals and as a final test, the projects should be funded and built in a logical priority.
- As projects are requested for faster implementation by a developer than are identified in the City's Capital Improvement Plan and the County 1 and 6 Program, the developer must be prepared to make financial contributions to improvements necessitated by a project if their project is moved to an earlier date.
- New revenue sources will be explored by the City and County to help finance capital improvements based on a theory that those who obtain a benefit help pay to the degree benefited. Increasingly, financing for public improvements becomes a partnership between the private and public sectors, united around common understandings on the principles of community growth. A benefit-based financing concept leads to the following general guidelines:
  - Improvements whose benefits are community-wide should generally be financed by the community at large. Examples of such projects include arterial streets and regional parks.
  - Improvements whose benefits are area-wide, benefitting a number of sites, owners, or development areas, should be financed by an area-wide mechanism. The community may participate in these financing arrangements as well. This principle relieves a single developer from paying for improvements that assist other properties. Examples of such projects are major sanitary sewers that serve watersheds.
  - Improvements whose benefits are specific to one development should be financed by that development, utilizing techniques such as special assessments or developer financing. Examples of such improvements include local streets and sidewalks.

## **C. Lincoln Phasing Plan and Urban Service Limits (Amendment 9416)**

### **1. Concurrent Development of Infrastructure and Quality of Life**

Cities, including the City of Lincoln, are dynamic. They change in time. Their growth requires tremendous amounts of energy and capital. By planning growth in phases, capital and energy may be concentrated and focused upon the quality of urban design and development. Phasing growth also limits the inefficient sprawl of the urban environment across the county's valued agricultural land. Planned growth may also reduce the real conflict between agricultural and urban land uses and between residential land uses and those land uses typically considered objectionable when located near residential areas.

The amount of land consumed by urban growth is relative to the rate of growth and does not necessarily relate to the number of years anticipated at the current rate of growth. If the growth rate of the community increases, the amount of land needed to absorb that growth will increase. If the growth rate of the community slows, the amount of land needed will decrease. For this reason, it is important to monitor the consumption of land and adjust the land within each phase as may be needed to provide adequate choice in the marketplace.

The public infrastructure such as the roads, water, sewer, parks, schools, libraries, public safety and other public facilities are essential to the health, safety and welfare of the community. As the community grows, these systems and facilities must be developed concurrently with that growth.

If growth occurs without the development of the public infrastructure, or the public infrastructure lags behind the growth of the community, the quality of life in the whole community will be diminished. Centralized systems may become overcrowded or overused. In the worst case, essential public services might not be available, thereby threatening the health, safety and welfare of the community.

Conversely, infrastructure should not be built or developed if it is not needed. Public resources are scarce and should be conserved and used efficiently. Development of infrastructure beyond the needs of the community is a waste of resources and is not beneficial to the community as a whole.

The key to a successful community is the concurrent development of the infrastructure with the development of the community--a balance between the need for infrastructure and the need to conserve resources.

The determination of the need for land is a question of balance and a function of market demand. High vacancy rates in the built environment should slow the rate of urban expansion; low vacancy rates in the built environment should cause the urban area to expand. Sensitivity to this balance of the market can be best assured through public-private partnerships which fairly allocate the cost of growth to the growth area. Too high a public subsidy for the development of infrastructure in growth areas places the built environment at a competitive disadvantage; too many restrictions to new growth places the built environment under great development stress.

### **2. Future Urban Area**

Figure 65 contains a boundary of the anticipated future urban service area. The criteria for establishing this line included consideration of the general location of natural features including ridgelines and stream corridors, current city limits and zoning, and prior comprehensive plan designations.

The dark dashed line on Figure 65 indicates the probable future urban area of the City of Lincoln at the end of the planning period if all planning assumptions prove to be accurate.

### 3. **Phasing Plan**

Figure 65 and Lincoln's Future Service Limits show the phasing plan for Lincoln's growth. It includes the following areas:

#### a. **Immediate Development Areas** (Blue Areas).

Description: Areas designated for immediate development will generally be contiguous to existing development with some or most of the infrastructure required for development already in place.

Policy: In areas with this designation, the community actively encourages growth. Infrastructure to facilitate growth in this area will generally be the highest priority in the Capital Improvement Plan. All major infrastructure required to facilitate development in this area will generally be in place or included in the first year of the CIP, although some improvements may be developed in years 2-6 of the CIP if such phasing is concurrent with the development of the land. The community will generally approve development proposals in this area that are consistent with the land use portion of this plan if all the capital facility needs are met and if the proposal is consistent with the zoning criteria.

#### b. **Near Term Development** (Green Areas).

Description: Areas designated for near term development will be contiguous to existing or planned development but lacking one or more major items of infrastructure, such as an arterial road, park or trunk sewer.

Policy: In areas with this designation, the community will neither encourage nor discourage growth. Infrastructure to facilitate growth in these areas will generally be a lower priority in the CIP. The major infrastructure to develop these areas should be included in the 1-6 year CIP although whether it is included will be depend upon the availability of funding. The community will approve only developments that can be adequately served by public facilities. Doing so may require that a developer contribute to one or more major off-site improvements.

#### c. **Mid Term Development** (Yellow Areas).

Description: Areas designated for mid term development will be contiguous to existing or planned development, lack most infrastructure required to support development, but might reasonably be expected to develop within the planning period.

Policy: In areas with this designation, the community will discourage growth. Infrastructure improvements will generally not be included in the 1-6 year CIP, but may be considered in the long term capital improvement planning of the various city and county departments. The community will consider development proposals in this area only if the developer agrees to immediately provide, at the developer's cost, all off site improvements necessary to extend municipal infrastructure to serve the proposed development.



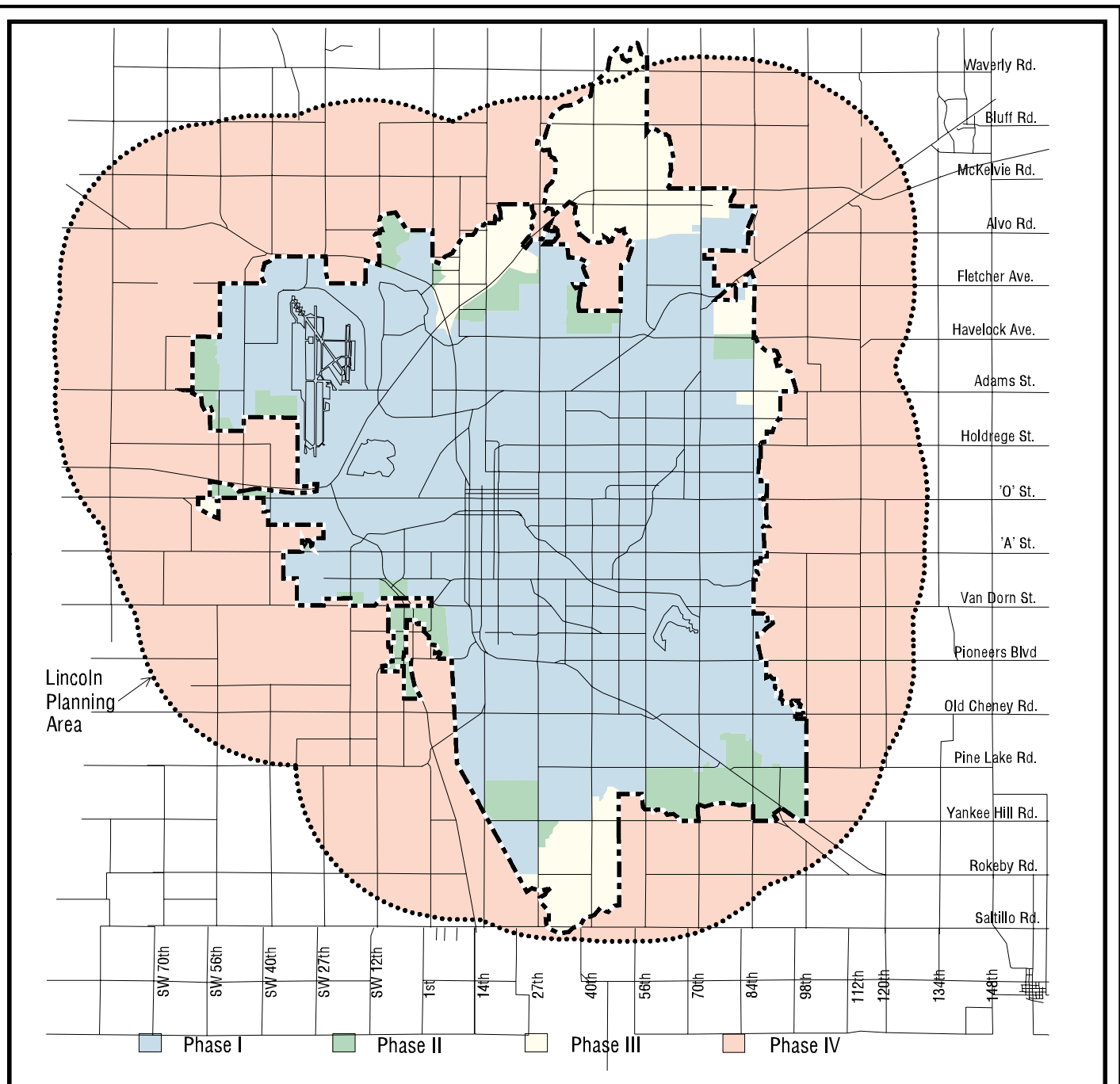
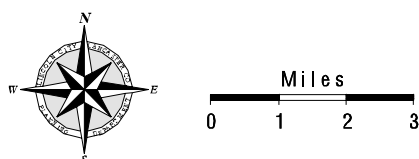


Figure 65

## Anticipated Lincoln Service Limit and Phasing Plan



## Lincoln City/Lancaster County Comprehensive Plan

### --- Lincoln's Future Service Limit

#### SUMMARY OF PHASES IN PLAN:

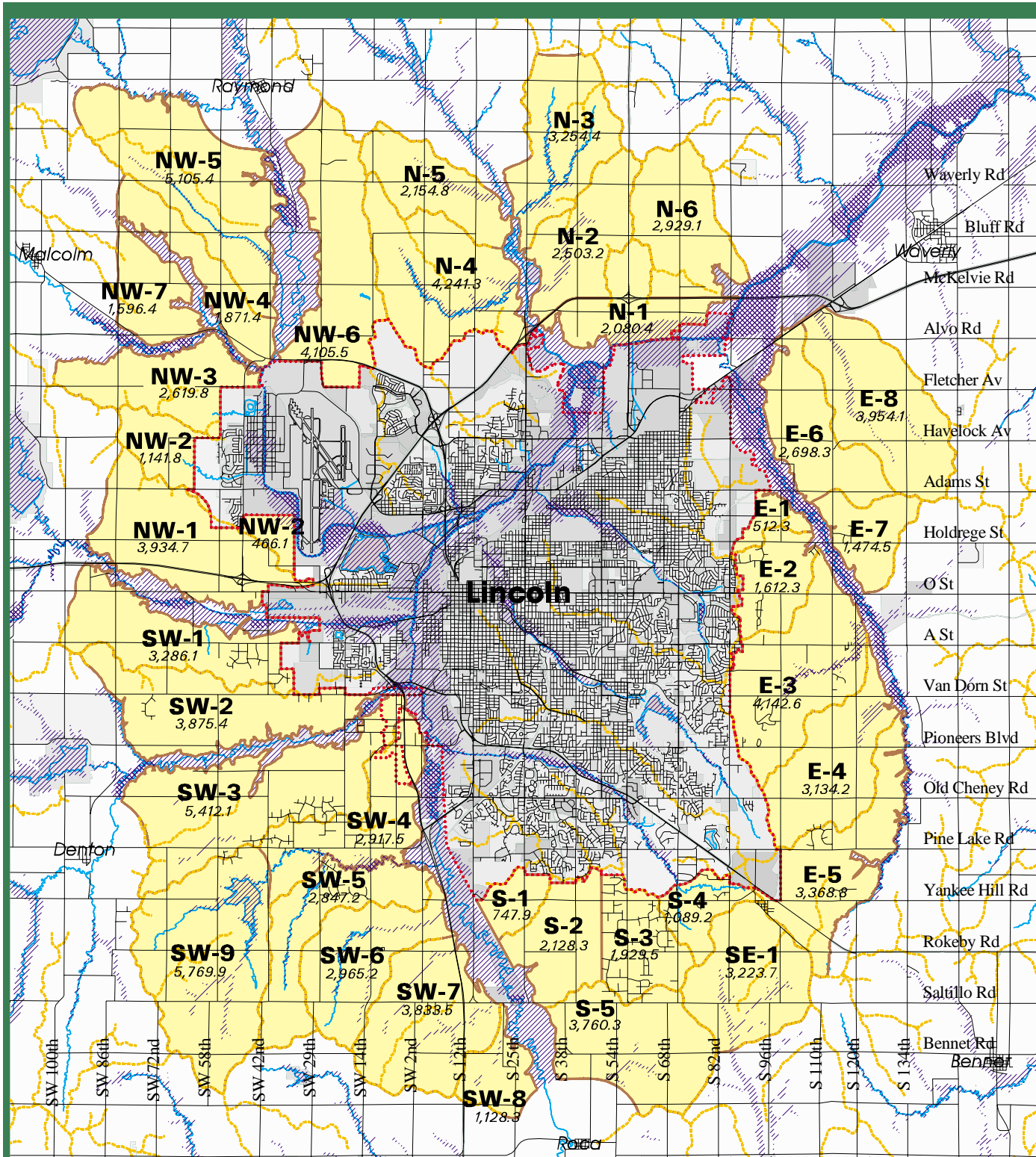
*Phase I - Areas designated for immediate development will generally be contiguous to existing development with some or most of required infrastructure in place.*

*Phase II - Areas designated for near term development will be contiguous to existing or planned development but lacking one or more major items of infrastructure, such as arterial road, park or trunk sewer.*

*Phase III - Areas designated for mid-term development will be contiguous to existing or planned development, lack most infrastructure required to support development, but might reasonably be expected to develop within the planning period.*

*Phase IV - Balance of City of Lincoln's land use jurisdiction shall be held as an urban reserve. Falls within community's growth area but beyond the planning period.*



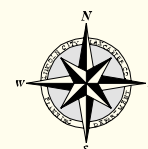


# Directional Growth: Urban Planning Zones

## Legend:

- Ridgelines
- Future Service Limit
- Streams

- Urban Planning Zone
- N-1** Zone Number & Acres
- 100 Yr. Flood Plain
- Floodway





**d. Long Term Development (Red Areas).**

Description: The balance of the City of Lincoln's land use jurisdiction shall be held as an urban reserve. Land in this category may logically fall within the community's growth area but beyond the planning period. (Amendment 9405)

Policy: In areas with this designation, the community will encourage agricultural land and in selected areas low density residential uses. The community will strongly discourage urban growth.

**D. Lancaster County Study Committee**

Organize a study committee to develop a more comprehensive plan for the balance of the County outside of the red areas. The recommendation of the study committee should be ready for inclusion in the 1995/1996 Annual Review.

**E. Annual Review of the Plan**

Each year after the adoption of the comprehensive plan the Planning Director should prepare a report entitled the Annual Review of the Comprehensive Plan. Such report may include new and pertinent information about the community; changes in the plan's underlying assumptions or any other factors affecting the health or welfare of the community. Such report may include specific proposal to amend the plan.

**F. Plan Amendment**

Amendments to the plan which may be suggested by groups or individuals are encouraged to be compiled and reviewed once each year as part of the annual review. By reviewing all proposed amendments at one time, the effects of each proposal can be evaluated for impacts on other proposals and all proposals can be reviewed for their net impact upon the plan. If major, new, development opportunities arise which impact several elements of the plan and which are determined to be of importance to Lincoln or Lancaster County, a plan amendment may be proposed and considered separate from the annual review of other proposed plan amendments. Similarly, minor adjustments to the plan may also be permitted outside of the annual review if such adjustments are of a technical nature, do not impact more than one element of the plan, or do not impact the demand for services or capital improvements.

Citizens should have every opportunity to be informed about proposed amendments to the Comprehensive Plan. The City and County should consider establishing a notification system whereby a party interested in any particular subarea of the plan could be notified of any proposed amendment to the plan. Such a system may require a nominal annual fee to cover the cost of administration but would assure an open planning process.

**G. The Continuing Planning Process**

The Comprehensive Plan recognizes the ever changing market place and the need to remain poised to meet those changes. Major new development opportunities may arise during the planning period which were not foreseen during the development of this comprehensive plan. In addition, major economic development or social changes may arise within the planning period. Such significant developments or changes would be likely to impact many elements of the plan. As such, the continuing planning process needs to include provisions for review of major changes and innovative development opportunities.

Similarly, major decisions facing the community about the beltways, stormwater management and sewage treatment and transmission may result in changes which should be considered and recognized with this plan. These decisions may cause a major revision to this plan long before the end of this planning period or even before the next planned update. The recent initiation of several major planning studies indicates the need to explore further a range of long range growth options. Specifically, staff should begin the task of assessing the two growth options (related to the directional growth areas as shown on Figure 66) generally described below: (Amendment 9416)

1. East at 70% and North at 30%. (Amendment 9416)
2. South at 35%, Southwest at 35%, and North at 30%. (Amendment 9416)

While the actual long range development of the community is unknown at this time, it may include part or all of these growth scenarios. The study of these scenarios as an independent area is important. It will allow for analysis of infrastructure needs and impact of each growth area, while providing the community an opportunity to understand the relationships between infrastructure and urban form. (Amendment 9405 and 9416)

Inclusion of this information in this Comprehensive Plan Amendment will have no real or implied consequences for change to the Comprehensive Plan, zoning or land use maps. Such changes may be appropriate following the completion of the related studies (i.e. South and East Beltway MIS, Antelope Valley MIS and other ongoing planning efforts) and the appropriate public reviews. (Amendments 9416)

The next major update of the comprehensive plan should begin after the data from the year 2000 federal census is received and thoroughly analyzed. We anticipate receipt of this data in about the year 2002, with a new plan to be adopted by 2005. A minor update should be undertaken every five years to determine the adequacy of the projected assumptions and to determine the validity of the land use, transportation and utility elements of the plan.

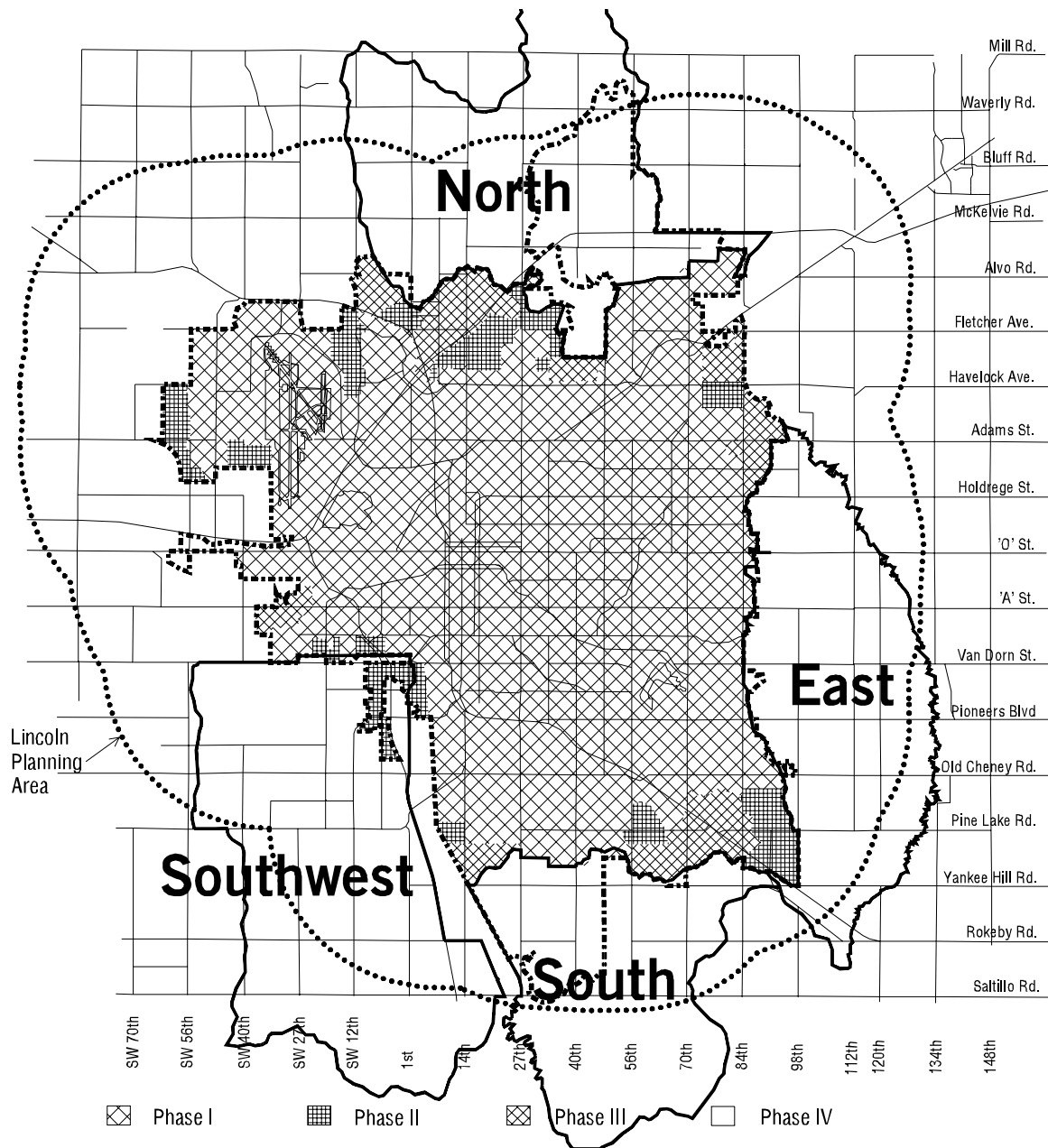


Figure 66

## Directional Growth Areas for Long Term Planning: Lincoln Urban Area



## Lincoln City/Lancaster County Comprehensive Plan

This map displays the four major "Directional Growth Areas" utilized in the "Directional Growth Analysis" prepared by City/County staff and presented to the SuperCommons on November 22, 1996.

The Analysis assumed a County-wide population base of 350,000 persons, with no predetermined rate of growth. The areas were utilized to calculate future capital infrastructure costs and to identify other growth impacts.

The four Directional Growth Areas will form the basis for further planning analysis as part of the South and East Beltway MIS, Antelope Valley MIS, and other on-going planning efforts.

The Directional Growth Analysis included an assessment of growth contained within the "Future Service Limit" boundary. This analysis was termed the "Build Out Scenario."

